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13 Attorneys for Defendant,
14 First American Title Insurance Company

15 **UNITED STATES DISTRICT COURT**

16 **DISTRICT OF NEVADA**

17 * * *

18 CASE NO. 2:20-cv-01375-APG-DJA

19 **STIPULATION AND ORDER TO
20 STAY CASE DEADLINES PENDING
21 DISMISSAL OF CASE**

22 **STIPULATION TO EXTEND TIME
23 (First Request)**

24 MORTGAGE FUND IVC TRUST 2016-RN5;
25 and U.S. BANK N.A., as INDENTURE
26 TRUSTEE FOR MORTGAGE FUND IVC
27 TRUST 2017-RN4,

28 Plaintiffs,

vs.

FIRST AMERICAN TITLE INSURANCE
COMPANY; DOE INDIVIDUALS I-X,
inclusive; and ROE CORPORATIONS I-X,
inclusive,

Defendants.

28 Defendant, First American Title Insurance Company (“FATIC”), by and through its
29 counsel of record, the law firm of MAURICE WOOD, and Plaintiffs Mortgage Fund IVC Trust 2016-
30 RN5 and U.S. Bank N.A., as Indenture Trustee for Mortgage Fund IVC Trust 2017-RN4
31 (“Plaintiffs”), by and through their counsel of record AKERMAN LLP, hereby agree and stipulate
32 as follows:

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1 On August 18, 2020, FATIC served Plaintiffs with an Offer of Judgment pursuant to Nev.
 2 R. Civ. Pro. 68 and Nev. Rev. Stat. § 17.117.¹ The terms of the Offer of Judgment provided that
 3 in the event the Offer of Judgment was accepted, FATIC would pay the amount offered within
 4 twenty-one (21) days after service of written notice of acceptance and Plaintiffs' claims against
 5 FATIC would be dismissed, with prejudice, as provided by Nev. R. Civ. Pro. 68(d)(2), rather than
 6 allow judgment to be entered against FATIC.

7 On September 1, 2020, Plaintiffs served FATIC with written Notice of Acceptance of Offer
 8 of Judgment.

9 Numerous pending motions have been filed with this Court which the parties would
 10 otherwise be required to respond to prior to the date on which this case will be dismissed pursuant
 11 to the terms of the Offer of Judgment. In addition, this Court set a deadline for the parties to
 12 resubmit the proposed scheduling order. The parties request that all deadlines in the case be stayed
 13 pending the anticipated dismissal of the case.

14 **NOW THEREFORE**, the Parties, by and through their undersigned counsel, hereby
 15 stipulate and agree as follows:

16 1. The instant action shall immediately be **STAYED**, pending the dismissal of the action.
 17 2. Any now-pending deadlines to file responses to, or replies in support of, any
 18 outstanding motions are hereby **VACATED**.

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27 ¹ See Camino Properties, LLC v. Insurance Company of the West, Case No. 2:13-cv-02262-APG-CWH, 2017 WL
 28 526510 (D. Nev. 2017) (in a diversity action, Nev. R. Civ. Pro. 68 is applicable when a plaintiff makes an offer of
 judgment or if judgment is entered in favor of defendant).

1 3. The deadline to file a revised scheduling order is hereby **VACATED**.
2

3 DATED this 3rd day of September, 2020.

3 DATED this 3rd day of September, 2020.

4 **AKERMAN LLP**

4 **MAURICE WOOD**

5 /s/ Jamie K. Combs

6 Natalie L. Winslow, Esq.
7 Nevada Bar No. 12125
8 Jamie K. Combs, Esq.
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12 *Attorney for Plaintiffs Mortgage Fund
13 IVC Trust 2016-RN5 and U.S. Bank N.A.,
14 as Indenture Trustee for Mortgage Fund
15 IVC Trust 2017-RN4*

5 /s/ Brittany Wood

6 Aaron R. Maurice, Esq.
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13 Las Vegas, NV 89134
14 *Attorneys for Defendant First American Title
15 Insurance Company*

16 All pending motions are denied as moot.

17 **IT IS SO ORDERED.**



18

19 **UNITED STATES DISTRICT JUDGE**

20 DATED: September 3, 2020

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